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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,584	08/06/2003	Karl Herzer	ZTP01P16102	8571
24131	7590	05/17/2004	EXAMINER	
LERNER AND GREENBERG, PA P O BOX 2480 HOLLYWOOD, FL 33022-2480			CLARKE, SARA SACHIE	
			ART UNIT	PAPER NUMBER

3749

DATE MAILED: 05/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/635,584

Applicant(s)

HERZER, KARL

Examiner

Sara Clarke

Art Unit

3749

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-13 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/6/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Priority

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Germany on February 6, 2001. It is noted, however, that applicant has not filed a certified copy of the German application as required by 35 U.S.C. 119(b).

Claim Objections

Claims 1-11 and 13 are objected to because on line 8 of claim 1 and line 5 of claim 13, it appears that "said inner panel" should be "said front panel." Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 12, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Getman (US 3189020).

Getman discloses the invention as claimed including a cooking chamber 13 with a door opening (see Figs. 1 and 2) and a door 14. The door is multi-paneled (see Fig. 3), has a front panel (including elements 30 and 31) having an inside and a peripheral

border, has retaining elements 66,76 disposed on said inside of the front panel within the peripheral border, and has at least one pan-shaped inner panel 32 fastened on the front panel by the retaining elements.

Regarding claims 2 and 3, adjacent element 51, the end surface abuts the inside surface of the front panel.

Claims 1 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Bienick et al. (US 6558596).

Bienick et al. discloses the invention as claimed including a cooking chamber (the range oven disclosed at the bottom of column 2) with a door opening (covered by door 9,10) and a door 9,10. The door is multi-paneled (panels 9 and 10), has a front panel 10 having an inside and a peripheral border, has retaining elements 25 disposed on said inside of the front panel within the peripheral border, and has at least one pan-shaped inner panel 9 fastened on the front panel by the retaining elements.

Since the range oven of Bienick et al. has a door it necessarily has an opening, closed by the door, and thus also necessarily has a chamber defined by the opening.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lafforgue (US 3507267) in view of Getman (US 3189020).

Lafforgue discloses the invention substantially as claimed with the exception of retaining elements disposed on the inside of the front panel within the peripheral border.

Getman discloses and over and teaches the use of retaining elements 66,76 disposed on said inside of the front panel within the peripheral border for the purpose of allowing the inner panel to expand freely and to minimize crazing.

Thus, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to provide the oven of Lafforgue with retaining elements as taught by Getman for the purpose of allowing the inner panel to expand freely, and to minimize crazing.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Getman (US 3189020) in view of Bonaccorsi et al. (US 4716884).

Getman discloses the invention substantially as claimed with the exception of air-inlet and air-outlet openings.

Bonaccorsi et al. discloses an oven door and teaches the use of air-inlet and air-outlet openings (see elements 14 and the description of element 16) for the purpose of limit the temperature of the outer pane

Thus, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to provide the oven of Getman with the air-inlet and air-outlet openings as taught by Bonaccorsi et al. for the purpose of limiting the temperature of the outer panel.

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Getman (US 3189020) in view of Winkler et al. (US 3396717).

Getman discloses the invention substantially as claimed with the exception of

door fittings secured on the front panel, which includes elements 30 and 31.

Winkler et al. discloses an oven with an oven door and teaches the use of door fittings 41 attached to front panel (including elements 25,26) for the purpose of hinging the door to the oven range. See column 3, lines 40-43.

Thus, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to provide the oven and oven door of Getman with door fittings as taught by Winkler et al. for the purpose of hinging the door to the oven range.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Getman (US 3189020) in view of Chase et al. (US 3612825).

Getman discloses the invention substantially as claimed with the exception of the material of the inner panel being borosilicate glass.

Chase et al. discloses an oven with an oven door and teaches the use of inner panel including borosilicate glass for the purpose of withstanding high temperatures.

Thus, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to provide the oven and oven door of Getman with borosilicate glass as taught by Chase et al. for the purpose of withstanding high temperatures.

Allowable Subject Matter

Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. More et al. (US 3250268) and Fingerholz (FR 2563612) disclose

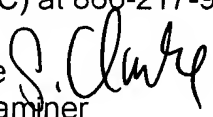
various oven door arrangements.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara Clarke whose telephone number is (703)308-1388. The examiner can normally be reached on Thurs. and Fri., 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached at (703)308-1935. The fax phone number for the organization where this application is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sara Clarke 
Primary Examiner
Art Unit 3749

May 14, 2004